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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,906	06/27/2003	James A. Kost	MPEE2 12375-1-1	7529

7590 11/30/2004

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EXAMINER


BATSON, VICTOR D

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/607,906	Applicant(s) KOST ET AL. 	
	Examiner Victor Batson	Art Unit 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 88-115, 117-119, 121-125, 127, 128, 133-135 and 137-145 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 88-115, 117-119, 121-125, 127, 128, 133-135 and 137-145 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Claim Objections

Claim 135 is objected to because of the following informalities: Claim 135 improperly depends from canceled claim 132. For examination purposes, it has been assumed that claim 135 depends from claim 114. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

1. Claims 88-97, 100-104, 106, 114, 115, 117-119, 124, 133, 137, 138, 140 are rejected under 35 U.S.C. 102(e) as being anticipated by Malinowski (6,102,131).

Malinowski discloses a snowplow blade mount having all of applicant's claimed structure including a frame mount assembly (including 42), a support assembly (including members 54) having a connection end (including 58), and a plow mount assembly, with the plow mount assembly detachably connected to the support assembly and including a leg support 48 as shown in figure 7. It is noted that latch bars 50 & 52 are considered removable pins since they are removable from sockets 58 & 60.

It is noted that the entrance structure of sockets 58 & 60 are considered guide sections

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and landings, with the outermost edge being considered the guide section (see figure 7).

2. Claims 88-105,107,108,112,114,115,117-119,124,133,137,140 are rejected under 35 U.S.C. 102(b) as being anticipated by Behrens et al. (5,806,214).

Behrens et al. discloses a snowplow blade mount having all of applicant's claimed structure including a frame mount assembly (32), a support assembly (26) having a connection end and a plow mount assembly, with the plow mount assembly detachably connected to the support assembly and including a leg support 48 as shown in figure 1. Concerning claim 98, the frame member connected directly to the top of leg support 48 is considered a bumper plate. Behrens et al. further discloses a lift mount assembly 38. Concerning claims 107 & 108, members 48 are also considered the extension legs. Concerning claims 112, member 44 is considered a skid plate.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 109,139 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malinowski (6,102,131) in view of Pieper (5,353,530).

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Malinowski discloses a snowplow blade mount assembly as described previously, but lacks including at least one auxiliary light connector to connect an auxiliary light.

Pieper teaches that it is notoriously old and well known in the art to use auxiliary lights and light connectors with snowplows. Using lights with snowplows allows the operator to better plow at night.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the snowplow blade mount assembly of Malinowski to include at least one auxiliary light and light connector as taught by Pieper, to enhance the ability of an operator to plow at night.

4. Claims 121,122,123,125,127,128,134,135 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malinowski (6,102,131).

Malinowski discloses a snowplow blade mount assembly as described previously, but lacks specifying that the pins are secured in position by removable pin clips.

The examiner takes official notice that is notoriously old and well known in the art to secure pins with removable pin clips to allow the pins to be easily removed for disassembly.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the snowplow blade mount assembly of Malinowski to include the

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use of removable pin clips to secure the pins, to allow the pins to be easily removed for disassembly.

5. Claims 121,122,123,125,127,128,134,135,141,144 are rejected under 35 U.S.C. 103(a) as being unpatentable over Behrens et al. (5,806,214).

Behrens et al. discloses a snowplow blade mount assembly as described previously, but lacks specifying that the pins are secured in position by removable pin clips.

The examiner takes official notice that is notoriously old and well known in the art to secure pins with removable pin clips to allow the pins to be easily removed for disassembly.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the snowplow blade mount assembly of Behrens et al. to include the use of removable pin clips to secure the pins, to allow the pins to be easily removed for disassembly.

6. Claims 109,139,142,143,145 are rejected under 35 U.S.C. 103(a) as being unpatentable over Behrens et al. (5,806,214) in view of Pieper (5,353,530).

Behrens et al. discloses a snowplow blade mount assembly as described previously, but lacks including at least one auxiliary light connector to connect an auxiliary light.

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Pieper teaches that it is notoriously old and well known in the art to use auxiliary lights and light connectors with snowplows. Using lights with snowplows allows the operator to better plow at night.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the snowplow blade mount assembly of Behrens et al. to include at least one auxiliary light and light connector as taught by Pieper, to enhance the ability of an operator to plow at night.

7. Claims 110,111,113 are rejected under 35 U.S.C. 103(a) as being unpatentable over Behrens et al. (5,806,214) in view of Willis, Sr. (4,459,769).

Behrens et al. discloses a snowplow blade mount assembly as described previously, but lacks including a deflector flap secured to the top edge of the plow blade.

Willis, Sr. teaches that it is old and well known in the art to connect a deflector flap 101 to the top edge of a snowplow, to prevent snow from moving over the plow blade.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the snowplow blade mount assembly of Behrens et al. to include a deflector flap secured to the top of the blade as taught by Willis, Sr., to prevent snow from moving over the plow blade.

8. Claim 110 is rejected under 35 U.S.C. 103(a) as being unpatentable over

~~Malinowski (6,102,131) in view of Willis, Sr. (4,459,769).~~

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Malinowski discloses a snowplow blade mount assembly as described previously, but lacks including a deflector flap secured to the top edge of the plow blade.

Willis, Sr. teaches that it is old and well known in the art to connect a deflector flap 101 to the top edge of a snowplow, to prevent snow from moving over the plow blade.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the snowplow blade mount assembly of Malinowski to include a deflector flap secured to the top of the blade as taught by Willis, Sr., to prevent snow from moving over the plow blade.

Response to Arguments

Applicant's arguments filed 5/17/04 have been fully considered but they are not persuasive. Applicant argues that Malinowski lacks the frame mount assembly being positioned substantially below a bottom level of the front bumper. Applicant's arguments however are more limiting than the claims themselves. For example, applicant does not claim that the entire frame mount assembly is positioned below a lowermost surface of the vehicle's front bumper as applicant appears to be arguing. Since the *bottom level* of the bumper could be considered to start at the angled section of the bumper as shown in figure 7, and since a majority of the support assembly is located below this point, the support assembly is considered to be positioned *substantially below* a bottom level of the front bumper. Similarly, since the front end of the vehicle has not been specifically defined, the support assembly is considered to

~~meet the limitation of being *substantially positioned* under the front end of the vehicle as~~

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shown in figure 7. Applicant argues that structure 42 is pivotally connected directly to the frame mount, not spaced forwardly of the frame mount. As set forth in the rejection, the frame mount is considered to include structure 42, and the examiner notes that applicant claims that the plow mount assembly is pivotally connected to the support assembly. Since the structure of Malinowski in figure 7 shows the plow mount assembly (40) connected to frame mount assembly 42 (through additional frame structure), with the frame mount assembly pivotally connected to the support assembly, the plow mount assembly is considered to be pivotally connected to the support assembly.

Applicant further argues that the snowplow mount structure of Behrens is not positioned substantially below a bottom level of the front bumper, however as discussed above regarding Malinowski, applicant's arguments are more limiting than the claims themselves. Since applicant does not specifically define the bottom level of the bumper, the support assembly of Behrens is considered to meet the broad limitation of being positioned *substantially below a bottom level* of the front bumper. Applicant further argues that the support assembly of Behrens is not spaced forwardly from the frame mount assembly. This limitation is not claimed by applicant as argued. Instead, applicant has claimed that the plow mount assembly is pivotally connected to the support assembly and spaced forwardly from the frame mount assembly.

Applicant further argues that the 103 rejections would not be obvious since the plow mount assembly defined in the independent claims was not disclosed. The examiner disagrees as set forth above.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Batson whose telephone number is (703) 305-6356. The examiner can normally be reached on Monday through Friday (except Wednesday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Will can be reached on (703) 308-3870. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

November 29, 2004



Victor Batson
Primary Examiner
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